

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 19-26 are presently active in this case. Claims 1-18 have been canceled without prejudice or disclaimer. Claims 19-26 have been added by way of the present Amendment. Care has been taken such that no new matter has been entered.

In the outstanding Official Action, Claims 1-3 and 12-18 were rejected under 35 U.S.C. 102(b) as being anticipated by Kumozaki et al. (U.S. Patent No. 5,539,564). Claims 1-3 and 12-18 were rejected under 35 U.S.C. 102(b) as being anticipated by Touma et al. (U.S. Patent No. 6,288,809). The cancellation of Claims 1-3 and 12-18 has rendered the above anticipation rejections moot.

Newly added Claims 19-26 are believed to be in condition for allowance as they recited features that are neither disclosed nor suggested by the references of record.

Newly added independent Claim 19 advantageously recites an optical distribution network system comprising an optical line termination, and a first optical network unit connected to the optical line termination through a working optical network and a standby optical network. The optical line termination is configured to send a first passive optical network section trace (PST) message. The first optical network unit is configured to receive the first PST message. Additionally, the first optical network unit is configured to switch transmission of data traffic to the optical line termination along either one of the working optical network and the standby optical network based on the first PST message.

The Applicants note that the Kumozaki et al. reference does not disclose provision or

use of a passive optical network section trace (PST) message, as recited in Claim 19 of the present application. For example, the Kumozaki et al. reference does not disclose a first optical network unit and an optical line termination that are configured to switch transmission of data traffic to the first unit along either one of a working optical network and a standby optical network based on a first PST message. By way of illustration and not limitation, the present invention can advantageously use such a PST message switch the transmission of data traffic from between an optical network that has failed to an operative optical network through the receipt and/or failure to receive such a PST message. The Kumozaki et al. reference fails to disclose such a configuration.

The Kumozaki et al. reference fails to disclose a PST message, and fails to teach the provision or use of such a PST message to switch data traffic transmission. To the contrary, the Kumozaki et al. reference describes a system in which subscriber equipment (301, 401) determine the quality of signals received via various lines and selects one signal based on the quality of the signals received (column 14, lines 30-37), and in which central office equipment (101) determines the quality of signals received via various lines and selects one signal based on the quality of the signals received (column 15, lines 23-26). As described in column 15, lines 34-42, the Kumozaki et al. reference describes a system in which two communication systems simultaneously operate in parallel between the equipment (101) on the one hand and equipment (301, 401) on the other. In the central office equipment (101), selection section (150) selects one U-signal of higher quality from the two signals outputted from the subscriber's equipment (301 or 401). In the subscriber's equipment (301 or 401), the selection section (350 or 450) selects one D-signal from the two D-signals supplied by the

equipment (101). Thus, in the Kumozaki et al. reference fails to teach the provision or use of such a PST message to switch data traffic transmission, but rather the Kumozaki et al. reference relies upon signal quality determinations to determine which signal, of plural signals, to use. The present invention is clearly distinguishable over the Kumozaki et al. reference.

Newly added independent Claim 23 advantageously recites a method for an optical distribution network system provided with an optical line termination and a first optical network unit connected through a working optical network and a standby optical network. The method comprises sending a first passive optical network section trace (PST) message from the optical line termination, and switching transmission of data traffic to the optical line termination along either one of the working optical network and the standby optical network based on the first PST message. For the reasons indicated above, the invention recited in Claim 23 is distinguishable over the Kumozaki et al. reference.

Regarding the Touma reference, the Applicants note that the Touma et al. reference does not disclose or even suggest a first optical network unit connected through a working optical network and a standby optical network. In fact, the Touma reference teaches away from such a system that uses two or more optical networks connecting the unit to the optical line termination as be too costly. (See column 2, lines 19-24.) Instead, the Touma reference teaches the use of a single optical network that is connected to a star coupler. (Note single line connecting the optical wavelength selecting coupler (6) to the star coupler (SC) in Figure 1.) Thus, the present invention recited in Claims 19 and 23 is clearly distinguishable over the Touma et al. reference.

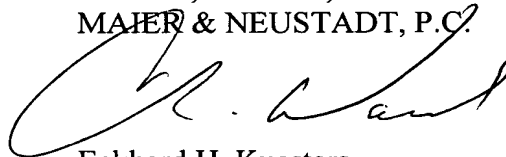
Application Serial No.: 09/942,567
Reply to Office Action dated June 28, 2005

The dependent claims are considered allowable for the reasons advanced for the independent claims from which they depend. These claims are further considered allowable as they recite other features of the invention that are neither disclosed nor suggested by the applied references when those features are considered within the context of their respective independent claim.

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Registration No. 28,870
Attorney of Record

Christopher D. Ward
Registration No. 41,367

Customer Number

22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 10/01)

EHK:CDW:brf
I:\atty\cdw\21xxxx\213026US2\am1.doc